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Guidance on common elements of statistical legislation

Note by the Task Force

Summary

The document presents an extract of the *Guidance on common elements of statistical legislation*. The Guidance was prepared by a Task Force composed of Latvia (co-chair), United Kingdom (co-chair), Albania, Armenia, Australia, Canada, Croatia, Germany, New Zealand, Slovenia, Eurostat, United Nations Economic Commission for Europe and the United Nations Statistics Division.

The objective of the Task Force was to identify common elements of national statistical legislation, in line with the Fundamental Principles of Official Statistics, the European Statistics Code of Practice and the Organization for Economic Co-operation and Development Recommendation on Good Statistical Practice. The Guidance aims to support countries in further reinforcing their legal frameworks to guarantee independence, integrity and accountability of national statistical systems and high quality of official statistics, and help remove legislative barriers to releasing the full value of official statistics. The document is intended as voluntary guidance that countries may use, if they so decide.

The current extract of the Guidance is prepared for translation purposes. It includes the introduction and the chapter on common elements of statistical legislation from the Guidance. The full text of the Guidance has been sent to all members of the Conference of European Statisticians for electronic consultation. It is available at: http://www.unece.org/index.php?id=47411. Subject to a positive outcome of the consultation, the CES plenary session will be invited to endorse the Guidance.

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I. Introduction

A. Why this guidance?

1. Official statistics provide an indispensable element in the information system of democratic societies serving the government, the economy and the public with data about the economic, demographic, social and environmental situation. To be able to carry out this task, statistical systems need to have a strong legal and institutional setting.

2. This guidance identifies common elements of statistical legislation and defines their intended outcomes to inspire countries wishing to benchmark or update the legal framework of their National Statistical System (NSS). Although the ways in which statistical systems are organized vary across countries, many common principles on the functioning of statistical systems apply. Recently, the need to further reinforce legal frameworks to guarantee the independence, integrity and accountability of statistical systems, high quality of official statistics and data security has arisen in many countries.

3. An up-to-date statistical legislation will support modernization of official statistics and remove unnecessary barriers to releasing the full value of statistics. As the landscape of information producers is rapidly changing, statistical offices need a legislative and institutional infrastructure that supports developing new business models, engaging in partnerships and using new data sources and technologies.

4. Under these conditions, guidance on the essential features of statistical legislation will benefit countries in further strengthening their statistical systems. A modern legal framework will enable more agile strategic development of official statistics, and closer alignment with the United Nations Fundamental Principles of Official Statistics.

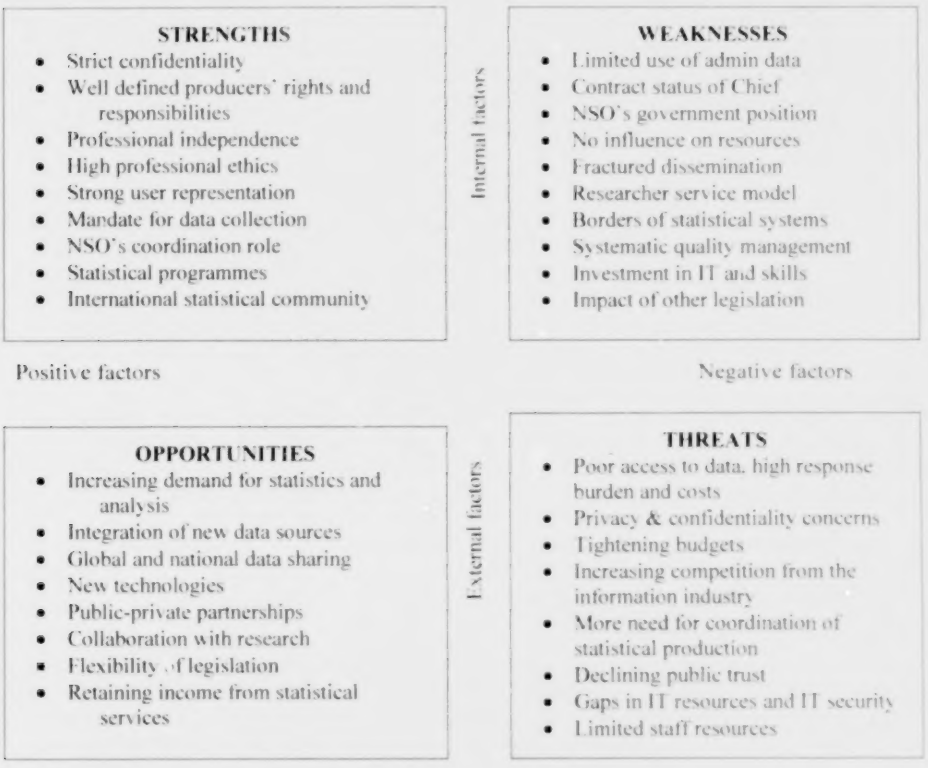
B. The guidance in brief

5. Among its first tasks, the Task Force prepared a Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis of the current legal and institutional frameworks of official statistics and of the operational environment of statistical offices. The following graph presents a summary of the analysis based on various information sources, including peer reviews and Global Assessments of statistical systems.

6. The guidance identifies common elements of statistical legislation based on the Generic Law on Official Statistics (GLOS), developed by UNECE, jointly with Eurostat and the European Free Trade Association (EFTA) in 2014-2016 as part of the United Nations Development Account project for the countries of Eastern Europe, Caucasus and Central Asia. The elements were reviewed and updated to allow for their wider applicability across countries and to reflect on the outcomes of the SWOT-analysis. Chapter 2 below (which is chapter 4 in the Guidance) presents the resulting 71 common elements of statistical legislation. These common elements are intended as recommendations that may be helpful for a country wishing to review or revise their statistical or related legislation.

7. The common elements cover the objective and scope of the Statistical Law, the main principles and definitions of official statistics, organization of the national statistical system (NSS), statistical advisory council and other advisory bodies, coordination of NSS, statistical programmes, mandate for data collection and access to data, statistical confidentiality, quality of official statistics, dissemination of statistics, provision of statistical services, international cooperation, infringements and relationship to other legislation.

Graph 1.
Strengths, weaknesses, opportunities and threats related to statistical legal frameworks



8. The main principles of official statistics (element 2.1) are in line with the Fundamental Principles of Official Statistics and the European statistics Code of Practice, but instead of listing all principles they merge and bring together key elements of the principles. It will depend on each country how the main principles are presented in the Statistical Law. All the Fundamental Principles and the Code of Practice principles are referred to in the definition of official statistics (element 1.2). The Task Force decided to add cost-effectiveness in the main principles as part of the common elements.

9. In comparison to the *Generic Law on Official Statistics*, developed for Eastern Europe, Caucasus and Central Asia in 2016, this guidance provides an adjusted definition of statistical units (as part of element 2.1), and a new definition of the coordination of national statistical activities. In addition, a coordination committee was added as a new common element (element 3.3) consisting of representatives of all Producers of Official Statistics in a country, and operating under the chairmanship of NSO. The coordination committee will support NSO in the coordination of all activities within NSS.

10. The tasks of NSO (element 3.2) now include more details on the coordination of statistical activities, and a task to advise the government and the public on issues related to data collection, statistical methodology, dissemination and use of statistics.

11. The responsibilities of the Chief Statistician (element 3.6) now include the facilitation of the correct interpretation of statistics and the entitlement to comment on the use and misuse of statistics, in line with the Fundamental Principles of Official Statistics.

12. The name of the Statistical Council is now the Statistical Advisory Council (element 4.4). The Council's new tasks include the promotion of transparency and accountability of NSS, the promotion of the use of official statistics in society and the provision of an opinion related to the implications of the budget allocation on the implementation of statistical programmes. In addition, the texts on the contents of statistical programmes have been shortened for more flexibility in the way statistical activities are planned (element 5.6).

13. The mandate for data collection (element 6.1) is extended notably to entitle Producers of Official Statistics to access and collect data from all public and private data sources free of charge, including identifiers, at the level of detail necessary for statistical purposes. The element also calls for a commitment to limit response burden and reuse data in society. This guidance does not include a common element on population and housing censuses, as the way in which censuses are carried out differs greatly across countries, and the different census approaches will require the use of different legislative tools. Chapter 7 discusses census legislation further.

14. As compared to GLOS, the guidance does not include detailed regulations on the confidentiality of aggregates (element 7.1), but proposes new text on the protection of confidential data (as part of element 7.3) in line with the European Statistical Law stating that the Producers of Official Statistics shall protect confidential data in such a way that the statistical unit cannot be identified, either directly or indirectly, when account is taken of all relevant means that might reasonably be used by a third party. In addition, the common elements now enable statistics to be disseminated even when they may make it possible to identify a statistical unit, only if the statistical unit has unambiguously given its consent to the disclosure of data.

15. The guidance enlarges the scope of data exchange within NSS (element 7.8). While GLOS allowed NSO to receive individual data with identifiers from other Producers of Official Statistics, the common elements enlarge the possibilities to exchange individual data with identifiers among all Producers of Official Statistics. However, the common elements will require having a well-defined NSS composed of Producers of Official Statistics that are professionally independent. As before, data can be exchanged exclusively for statistical purposes only in the respective area of competence of each producer.

16. Researchers' access to individual data (element 7.9) is now displayed in a more detailed manner to support development of researchers' services in statistical offices.

17. The guidance proposes a common element on the provision of other than statistical services (element 10.2). This enables the Producers of Official Statistics to render IT infrastructure or other non-statistical services to other organizations.

18. Statistical services to customers are essential for increasing the use of statistics in society. To support this goal, the Task Force added a recommendation that the income from statistical services may be retained by the Producer of Official Statistics (element 10.3) and shall cover the additional costs of carrying out the service activity and the needed statistical service development.

19. As a result of consultations with the UNECE Task Force on Exchange and Sharing of Economic Data, a common element on international transmission of individual data for statistical purposes was developed (element 11.3). According to this element, NSO with the Other Producers of Official Statistics, as relevant, may enable the voluntary exchange of

individual data exclusively for statistical purposes. NSO shall ensure that the recipient has the legal framework for the protection of confidential data.

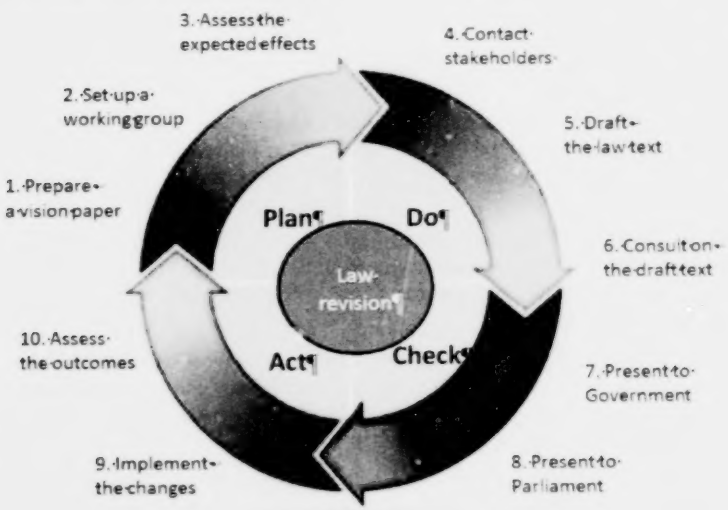
20. In addition, the guidance provides more detail than GLOS to help countries to regulate infringements, for instance related to failing to respond to statistical surveys and arbitrary conduct of respondents (elements 12.2-12.3). Further detail was also added to regulate the relation of statistical and other legislation, for instance by requiring that NSO be consulted on the preparation of new laws or amendments influencing activities carried out under the Statistical Law.

21. The guidance supports countries wishing to review or revise their statistical legislation not only by providing a list of common elements of statistical legislation, but also by providing explanations on what are the intended outcomes of each common element. The guidance describes what the benefits of each law element are for society and why the elements would be needed in the statistical legislation. The ways of regulating statistical activities differ, therefore, the intended outcomes provide the idea of what are the goals to be achieved with the Statistical Law.

22. Advocacy is essential for any statistical system going through a review or revision of the Statistical Law. The functioning of NSS depends heavily on the Statistical Law. The recommendations instruct how and who to be consulted when creating new or changing the existing legal basis. Developing and maintaining a vision paper to describe the current gaps and goals of statistical legislation would be recommended. The process of revising statistical legislation includes ten steps (see the graph).

Graph II.

Ten steps of the process of revising statistical legislation



23. The guidance emphasizes that the governance model of NSS influences the requirements for the Statistical Law. The common elements of statistical legislation are in principle applicable to all statistical systems, but need to be adjusted to the national context and to the governance model. The common elements apply most directly to more centralized statistical systems. Therefore, the guidance reviews three other types of governance models and the related legal aspects. For instance, regulating the coordination

of NSS may be of particular importance to functionally or regionally decentralized statistical systems, and having a special article on a management board is particularly important for statistical systems that are autonomous from the government.

24. When deciding to adopt a new statistical legislation or amend the existing law, other legislation should be reviewed and taken into account accordingly. Statistical legislation could refer to other legislation that already regulates a specific aspect or it could (vice versa) have an impact on the other legislation. The guidance reviews the most important other regulations and how they relate to the Statistical Law, for instance legislation determining the government, the criminal code, information security, privacy and data protection and archiving.

25. Finally, the Task Force emphasizes that the common elements provide the basis for considering changes in statistical legislation. They should not hinder further development and modernization of statistical work. The guidance highlights the need to ensure a solid, flexible and modern legislative and institutional infrastructure and, thus, address emerging issues and developing new business models, engaging in partnerships and using new data sources and technologies.

C. Blueprint for the way forward

26. This guidance aims to support further work in countries and internationally to modernize the legal and institutional frameworks of statistical production.

27. As suggested by the circular process of revising statistical legislation (graph 2), while statistical legislation should provide a solid and rather stable foundation for statistical work, the assessment and development of legal and institutional frameworks is a continuous process.

28. As an aid to helping take forward that continuous action, the Task Force makes the following proposals:

- All countries are invited to make use of the *Guidance on Common Elements of Statistical Legislation* to review the national Statistical Law and other related legislation and prepare their vision for future development of the Statistical Law;
- The Conference of European Statisticians should host regular meetings of legal and managerial experts of statistical offices to enable the development of the legal and institutional frameworks of official statistics in an agile and forward looking way;
- An organizing committee or a Steering Group, composed of a few countries, could be established to organize these expert meetings, consider the need for future guidance and coordinate requests for assistance from countries developing their Statistical Laws;
- Additional ad-hoc meetings could be held to address specific subjects related to legal considerations, such as data exchange. These meetings should include other relevant experts such as data security professionals;
- Countries should supply their own relevant material to the expert meetings to share their experience, especially in emerging issues related to the legal frameworks;
- Legal experts and managers of statistical offices are invited to consider what kind of exchange of experience should take place and what kind of supporting

materials and practical guidance would need to be developed to strengthen statistical legislation and implement it effectively;

- UNECE should seek collaboration with other international organizations and donor countries to support countries with developing statistical systems in this area;
- The UNECE work should contribute to global initiatives to develop legal and institutional frameworks of official statistics beyond the CES region, such as to the renewal of the UNSD *Handbook of Statistical Organization*;
- It would be useful to review after five years whether this guidance needs updating in the light of experience gathered nationally and internationally, and taking into account new changes to the statistical and legal environment.

D. Structure of the Guidance (the full version)

29. Chapter 2 of the full version of the Guidance gives an insight into the strengths and shortcomings of legal and institutional frameworks based on an analysis of the current legal settings of official statistics. Using a number of sources, the Task Force analyzed the current frameworks of statistical production in the CES region and beyond and summarized information on strengths and shortcomings relating to legal frameworks. The chapter focuses on areas for improvement that should be considered when revising and benchmarking statistical legislation.

30. Chapter 3 portraits challenges and opportunities arising from the operational environment of statistical offices. It identifies key issues arising from the environment that need to be taken into account when amending statistical legislation. The intention of this chapter is to ensure that the guidance is forward looking and suggests common elements of statistical legislation that take into account emerging trends and allow for flexibility to adjust statistical activities to the changing environment.

31. Chapter 4 presents the common elements identified by the Task Force. It applies the structure introduced in GLOS for organizing and presenting common elements of statistical legislation. Most of the common elements are extracted from GLOS and some are reused almost directly, and some adjusted to ensure wider applicability of the guidance. The Task Force also added some new common elements of statistical legislation that were not explicitly included in GLOS.

32. Chapter 5 describes the intended outcomes of the common elements of statistical legislation identified by the Task Force. The intended outcomes aim to allow for flexibility for countries in the application of the guidance in a way that fits their national legal framework. Depending on the national legal and political context, there may be different options for achieving the same intended outcomes through legislation or other means. The intended outcomes also provide justifications for having the different elements in the legal framework, and may help to advocate for the necessary changes in the statistical or other legislation. From an international statistical community perspective, the intended outcomes serve as a useful tool for reviewing statistical systems and providing capacity building.

33. Chapter 6 is devoted to the guidance on reinforcing legal and institutional frameworks of official statistics. It discusses important topics such as the process of reviewing and revising statistical legislation, advocacy on the sound legal and institutional frameworks and different governance structures of statistical systems and how they affect statistical legislation. The chapter also discusses the relation of statistical legislation and other legislation.

34. Chapter 7 discusses emerging issues related to statistical legislation, and changing areas where countries may be at different stages. The chapter considers legal aspects of providing official statistics as open data and the legal aspects of exchanging data nationally and internationally for statistical production. It considers the changing nature of census taking and its implications to the Statistical Law and discusses possible ways to regulate population and housing census activities. The chapter discusses the framework for good coordination and cooperation with Central Banks, as they have a special independent role but are often among the main Producers of Official Statistics. The chapter also discusses collaboration with geospatial agencies to increase the integration of official statistics and geospatial data. Finally, the chapter touches upon government data management and the implications to statistical legislation.

35. Chapter 8 makes proposals for further work on statistical legislation to support modernization of legal frameworks of official statistics, and to ensure a continued exchange and development of legal and institutional frameworks of official statistics.

36. Annex I presents the terms of reference for the Task Force on common elements of statistical legislation detailing the objective and activities in order to identify common elements of statistical legislation and develop guidance to be applied widely across countries when reviewing or revising statistical legislation.

37. Annex II provides case studies illustrating good practices of countries in the effective regulation of statistical activities and implementation of such regulation. The first two case studies from Canada and Moldova illustrate ways to effectively implement revised legislation. Case study 3 highlights the regular and extensive consultations with representatives of respondents in Finland. Case studies from 4 to 6 provide ideas for the criteria and procedures for identifying official statistics and Producers of Official Statistics from Finland, Lithuania and the United Kingdom. Germany presents the latest revisions of their statistical law in case study 7. Croatia and Latvia share their regulation allowing access to data held by private legal persons on other respondents as case studies 8 and 9, and Slovenia presents the full mandate to access all data sources for statistical purposes as case study 10.

38. Annex III brings the common elements of statistical legislation together with the intended outcomes as a summary reference tool. It also highlights changes made to the common elements of statistical legislation as compared to the original texts in GLOS.

II. List and definitions of common elements of statistical legislation

39. The following table shows the common elements of statistical legislation, mostly derived from GLOS.

Common elements of statistical legislation

Common element	*Description of the common element*
	1. Objective and scope of the Law
1.1 Objective of the Law	A Statistical Law establishes the legal framework for the development, production and dissemination of official statistics.
1.2	Official statistics:

Common element	*Description of the common element*
Definition of official statistics	(a) Are statistics describing the economic, demographic, social and environmental phenomena [of country name]; (b) Shall be developed, produced and disseminated in compliance with the United Nations Fundamental Principles of Official Statistics (A/RES/68/261) [and the European statistics Code of Practice, National Code of Practice] as well as internationally agreed statistical standards and recommendations; (c) Shall be clearly indicated as official statistics.
1.3 Scope of the Law	The provisions of a Statistical Law apply to data collected or obtained for statistical purposes by *Producers of Official Statistics*.
1.4 Definition of the NSS	*The National Statistical System* of [country name], consisting of *Producers of Official Statistics* comprises: (a) The *National Statistical Office* [replace with its official name everywhere in the Law], which is the leading authority of the *National Statistical System*; (b) *Other Producers of Official Statistics*, consisting of organizational entities of national authorities as identified in accordance with the Statistical Law and that develop, produce and disseminate official statistics in accordance with the Statistical Law.
1.5 Parties to the Law	The parties to the Law include: (a) *National Statistical Office* [replace with its official name everywhere in the Law]. (b) *Other Producers of Official Statistics* [No listing here by name] (c) *Respondents*, consisting of persons, households, private and public entities that are requested to provide information about themselves, including their activities, to *Producers of Official Statistics*. (d) *Administrative data providers*, consisting of national and local authorities and other bodies that provide *Producers of Official Statistics* with data collected primarily for administrative purposes. (e) *Users of official statistics*, including the general public, the media, researchers and students, businesses, national and local authorities, non-governmental organizations, international organizations and authorities of other countries who receive or access official statistics. (f) *The Statistical Advisory Council*, broadly representing different user categories, as described in the Statistical Law.
	2. Main principles and definitions of official statistics
2.1 Main principles of official statistics	*Producers of Official Statistics* shall develop, produce and disseminate official statistics of [country name] according to the following main principles of official statistics and other agreed statistical principles: (a) ***Professional independence***, meaning that *Producers of Official Statistics* shall decide, independently and free from any pressures or interference from political or other external sources, on the development, production and dissemination of statistics, including the selection of data sources, concepts, definitions, methods and classifications to be used, and the timing and content of all forms of dissemination. *Producers of Official Statistics*, in their respective areas of competence, may comment publicly on

Common element	*Description of the common element*
	statistical issues and any misuse of official statistics; (b) ***Impartiality and objectivity***, meaning that official statistics must be developed, produced and disseminated in a neutral, reliable and unbiased manner according to professional standards and free from any political statements or considerations. All users must be given equal and simultaneous access to official statistics; (c) ***Accuracy and reliability***, meaning that official statistics must reflect as faithfully, accurately and consistently as possible the reality and be based on scientific criteria used for the selection of sources, methods and procedures; (d) ***Coherence and comparability***, meaning that statistics are consistent internationally and comparable over time and across regions and countries; (e) ***Clarity and transparency***, meaning that official statistics must be presented in a clear and understandable way, and the methods and procedures applied must be transparently communicated to users to facilitate proper interpretation; (f) ***Statistical confidentiality and exclusive use for statistical purposes***, meaning that individual data collected or obtained by *Producers of Official Statistics* that refer to natural or legal persons are to be strictly confidential used exclusively for statistical purposes and accessed solely by those authorized to do so under the Law; (g) ***Relevance***, meaning the degree to which official statistics meet current and emerging user needs and honour citizens' right to public information. (h) ***Cost-effectiveness***, meaning the best possible use of all available resources for achieving the outcomes. The outcomes of statistical work should be planned making full use of technological advances and weighing the outcomes against the necessary efforts by the *National Statistical System* and those providing input to the statistical work.
2.2 Definitions of the Law	(a) ***Use for statistical purposes*** *means* the exclusive use of data for the development, production and dissemination of official statistics, quality improvement, statistical analyses and statistical services, including all activities regulated by the Statistical Law; (b) ***Statistical survey*** *means* the primary collection of individual data from respondents of a given population carried out by a Producer of Official Statistics exclusively for statistical purposes through the systematic use of statistical methodology; (c) ***Administrative data*** *means* data collected by, or on behalf of, national and local authorities and bodies other than *Producers of Official Statistics*, for administrative purposes in conformity with other than statistical legislation; (d) ***Statistical unit*** *means* the basic observation unit, namely a natural person, a household, an economic operator and other undertaking, referred to by the data; (e) ***Individual data*** *means* the most detailed level of data about statistical units; (f) ***Identifier*** *means* a sequence of characters allowing unique identification of a statistical unit from its name, exact geographical location or identification number. An identifier may allow direct identification, meaning the identification of an

Common element	*Description of the common element*
	individual statistical unit from one or a combination of identifiers. Identification done by any other means is referred to as indirect identification; (g) ***Dissemination*** *means* the activity of making official statistics, statistical analyses, statistical services and metadata accessible to users; (h) ***Release*** *means* the dissemination activity by which official statistics, including revised statistics, become publicly known for the first time; (i) ***Production*** *means* all the activities related to the necessary collection, processing, analysis and storage of data to compile official statistics; (j) ***Development*** *means* the activities to set up, strengthen and improve statistical methods, concepts, standards and procedures used for the production and dissemination of official statistics; (k) ***Metadata*** *means* data and other documentation that describe statistical data and statistical processes in a standardised way by providing information on data sources, methods, definitions, classifications and data quality; (l) ***Coordination of national statistical activities*** means the synchronization and integration of methods, classifications, definitions and internationally agreed concepts among *Producers of Official Statistics* to ensure the successful implementation of the statistical programmes.
	3. Organization of the National Statistical System
3.1 **NSOs' position within the government**	*National Statistical Office* is a professionally independent body organized under the authority of [select according to the national context, e.g. Prime Minister / President of the country].
3.2 **NSOs' tasks and role**	*National Statistical Office* is the main *Producer of Official Statistics* in [country name] and responsible for coordinating all activities for the development, production and dissemination of official statistics within the *National Statistical System* and in consultation with partner organizations when relevant in the view of the *Chief Statistician*. *National Statistical Office* shall ensure the uniform and timely production of official statistics, guide and review the application of statistical methodology and standards, carry out research and take action to continually enhance the quality of official statistics in collaboration with *Other Producers of Official Statistics*. *National Statistical Office* shall advise the government and the public on issues related to data collection, statistical methodology, dissemination and use of statistics. *National Statistical Office* cannot be assigned responsibilities that are in contradiction with the main principles of official statistics defined in the Statistical Law.
3.3 **Coordination committee for official statistics**	A coordination committee, consisting of representatives of all *Producers of Official Statistics* in the country, and operating under the chairmanship of the *National Statistical Office*, shall coordinate all activities within the *National Statistical System*. The activities of the coordination committee include discussion, review and coordination of: - statistical work programmes, - common dissemination policy,

Common element	*Description of the common element*
	- common quality assurance framework and common quality label, - common confidentiality rules, - common statistical methodology and standards to be applied.
3.4 Appointment of the Chief Statistician	*National Statistical Office* is led by the *Chief Statistician* [replace with the official title everywhere in the Law] appointed without delay by [Prime Minister / President of the country on the proposal of the government] for a fixed term of [X] years. [Any renewal of the term shall be done exclusively on the basis of a new publicly announced vacancy and an open competition.] The procedures for the recruitment and appointment of the head of *National Statistical Office* and, where appropriate, heads of *Other Producers of Official Statistics*, are transparent and based on professional criteria only.
3.5 Termination of office of the Chief Statistician before its expiry	The term of office of the *Chief Statistician* cannot be terminated before its expiry for any reasons compromising statistical principles. The term of office may be terminated only for the following reasons: (a) Own resignation of the *Chief Statistician*; (b) Termination of citizenship; (c) A court decision declaring the *Chief Statistician* incapable or of limited capacity to work; (d) A lawful sentence of the court for intentional crime, or imprisonment according to the lawful sentence of the court; (e) Death of the *Chief Statistician*.
3.6 Responsibilities of the Chief Statistician	The professional independence of officials responsible for the tasks set out in this Law is ensured. The *Chief Statistician* shall lead the strategic development of official statistics, partnerships and stakeholder relations to enhance the value of official statistics. The *Chief Statistician* shall represent the *National Statistical System* at the international level and coordinate the international collaboration of the *National Statistical System*. The *Chief Statistician* shall be responsible for the general management and development of the *National Statistical Office* and its staff, including its central and regional offices (if applicable), in full conformity with national legislation and professional independence. The *Chief Statistician* shall independently decide on the structure, use of resources, tasks and appointment of the staff. The *Chief Statistician* shall decide on the content of the draft multi-year and annual statistical programmes including the statistical outputs and the implementation reports in consultation with users of statistics and *Other Producers of Official Statistics*. The *Chief Statistician* may issue standards and guidelines as [insert correct legal category] to be applied across the *National Statistical System* for the development, production and dissemination of official statistics. The *Chief Statistician* may promote the use of the standards, classifications and terminology applied in official statistics and by respondents, administrative data providers and in society. The *Chief Statistician* shall facilitate the correct interpretation of statistics and is entitled to comment on the use and misuse of statistics.

Common element	*Description of the common element*
3.7 **Mandate of other producers of official statistics**	*Other Producers of Official Statistics* shall be professionally independent entities with exclusive or primary activities related to the development, production and dissemination of official statistics. The Head of *Other Producers of Official Statistics* shall be responsible for the development, production and dissemination of official statistics, as assigned in the annual statistical programme. The Heads of *Other Producers of Official Statistics* shall be appointed on the basis of a publicly announced vacancy and an open competition based on the relevant professional competence.
	4. Statistical Advisory Council and other advisory bodies
4.1 **Definition of the Statistical Advisory Council**	The *Statistical Advisory Council* shall advise the government and the *Chief Statistician* on issues of strategic importance to official statistics of [country name]. The mandate and composition of the *Statistical Advisory Council*, as well as its work, shall be public.
4.2 **Composition of the Statistical Advisory Council**	The *Statistical Advisory Council* shall be composed of at least [insert number] appointed members who broadly represent different user categories. Preferably the public sector representatives shall not form the majority of the *Statistical Advisory Council*. The *Chief Statistician* shall be a member of the *Statistical Advisory Council*, and *National Statistical Office* shall provide the secretariat. *National Statistical Office* shall be granted adequate resources necessary for covering the costs of the functioning of the *Statistical Advisory Council*.
4.3 **Appointment of the members of the Statistical Advisory Council**	The members of the *Statistical Advisory Council* shall be appointed by the [government / president of the country] upon a proposal on the bodies or groups to be represented. Their period of office shall be limited to [insert number] years. The *Statistical Council* shall elect from its members a chairperson. The *Chief Statistician* shall provide the secretariat to the *Statistical Advisory Council*.
4.4 **Tasks of the Statistical Advisory Council**	The *Statistical Advisory Council* shall carry out the following tasks: (a) Make proposals for strategic development of official statistics and ensure that the statistical programmes reflect the priority information needs of society; (b) Promote transparency and accountability of the *National Statistical System* and evaluate the implementation of the statistical programmes and follow up on the implementation of strategic development activities; (c) Act as a custodian of the principles of official statistics and assess and advice on issues of compliance with them; (d) Promote the use of official statistics as an evidence base for public policies, evaluation and decision making; (e) Provide its opinion on the statistical programmes and their implementation and consider the implications of the budget allocation on the implementation of the statistical programmes; (f) Adopt the rules of procedure of the *Statistical Advisory Council* to regulate its tasks, organization, working methods and decision making. The *Statistical Advisory Council* may carry out independent external evaluations of specific domains, activities or

Common element	*Description of the common element*
	organizational entities within the *National Statistical System*.
4.5 Definition of other advisory bodies	The *Chief Statistician* may set up other advisory bodies with members from within and outside of the *National Statistical System* in support of strategic and methodological activities in official statistics. The mandates and composition of these bodies, as well as their work, shall be public.
	5. Coordination of the National Statistical System and statistical programmes
5.1 Coordination of national statistical activities	All *Producers of Official Statistics* shall use uniform, internationally agreed concepts, definitions, classifications and methods wherever possible.
5.2 Programming of national statistical activities	Statistical programmes, including a multi-year statistical programme and an annual statistical programme, shall be established as key instruments for effective strategic and operational management and coordination of activities in the *National Statistical System*. *National Statistical Office* shall be responsible for preparing the statistical programmes, in close consultation with users of statistics, respondents and administrative data providers. *Other Producers of Official Statistics* shall be involved in the process and provide the *National Statistical Office* with the necessary inputs.
5.3 Criteria for inclusion as official statistics	The *Chief Statistician* shall decide on the inclusion of producers in the *National Statistical System* as *Producers of Official Statistics*, the inclusion of their deliverables and related activities in the draft statistical programmes based on a transparent, documented process using the following criteria: (a) The producer demonstrates its capability and willingness to comply with the provisions of the Statistical Law and the principles of official statistics; (b) The deliveries and activities shall not duplicate those conducted by other producers nor result in an excessive burden on respondents.
5.4 Reporting on statistical programmes	*National Statistical Office*, in close coordination with *Other Producers of Official Statistics*, shall be in charge of reporting on the implementation of the statistical programmes including, if needed, measures for improvement. The reports shall be submitted for opinion to the *Statistical Advisory Council* or to another body representing users of statistics. The implementation reports and the opinion of the *Statistical Advisory Council* shall be made public.
5.5 Objective and scope of the multi-year statistical programme	A multi-year statistical programme shall be established for the *National Statistical System* to define the strategic development of official statistics of [country name], aiming at satisfying existing and emerging user needs. A multi-year statistical programme shall provide a vision and priorities for the development of the *National Statistical System* for the next [select: five or other number] years and establish the required deliveries and development actions, weighing them against the necessary resources.

Common element	*Description of the common element*
5.6 Objective and scope of the annual statistical programme	An annual statistical programme of the National Statistical System shall be established each year as an operational translation of the multi-year statistical programme to update the list of *Producers of Official Statistics* including: (a) Official statistics to be released; (b) Statistical surveys to be carried out by *Producers of Official Statistics* and an estimate of response burden; (c) Transmissions of administrative data or data from other existing sources to *Producers of Official Statistics*; (d) Main development activities of official statistics considered to have priority, including major training programmes, to be implemented by *Producers of Official Statistics*; (e) Statistical registers to be maintained and developed.
5.7 Adoption of statistical programmes	*National Statistical Office* shall submit the multi-year and the annual statistical programmes to the *Statistical Advisory Council* or to another body representing users of statistics for opinion and subsequently for adoption to the appropriate body no later than [2-3] months before the start of the reference period of the programme. The body approving the statistical programmes shall not interfere with issues covered by professional independence, or with statistical activities of autonomous national authorities.
5.8 Resources for statistical production	*Producers of Official Statistics* shall be granted adequate human, financial and technical resources necessary for the implementation of the statistical programmes.
	6. Data collection
6.1 Mandate for data collection	*Producers of Official Statistics* shall be entitled to access and collect data from all public and private data sources free of charge, including identifiers, at the level of detail necessary for statistical purposes. *Producers of Official Statistics* shall be committed to limiting response burden and reusing data by considering data sources that already exist. If not, data can be obtained through statistical surveys.
6.2 Responsible data collection	Data collection shall be designed with due consideration to quality of statistics, costs of data provision and response burden.
6.3 Mandate to process data in the possession of NSS	Irrespective of the data collection methods and sources, data obtained by *Producers of Official Statistics* for statistical purposes are in their possession and shall be processed, stored and disseminated in full compliance with the provisions of the Statistical Law. *Producers of Official Statistics* shall be entitled to edit and validate data, combine data from different sources and carry out individual data integration exclusively for statistical purposes and use statistical methodologies and techniques as appropriate.
6.4 Exchange of data within the NSS	*Producers of Official Statistics* shall exchange data and metadata within the *National Statistical System* for statistical purposes to avoid any duplication of data collection and improve the quality of official statistics.

Common element	*Description of the common element*
6.5 Informing respondents	Respondents shall be informed about the purpose and scope of statistical surveys and their legal basis, as well as about the uses of the data, measures to ensure confidentiality of data, and possible obligation to provide data.
6.6 Participation in statistical surveys	The participation in statistical surveys is compulsory for [private and public entities]. The participation of persons, households and all other respondents in a given statistical survey can be declared compulsory in the annual statistical programme for all or some of the respondents, and for all or some of the questions. [In exceptional cases, the *Producer of Official Statistics* may decide to remunerate household respondents to a survey that imposes a significant burden.]
6.7 Respondents' responsibilities	Information provided in a statistical survey shall be truthful and submitted within the required time-frame, in the required format and free of charge.
6.8 Follow up with respondents	*Producers of Official Statistics* shall be provided the necessary information and access to approach respondents. *Producers of Official Statistics* are entitled to follow up with respondents if no reply is received by the deadline, or if inconsistencies or gaps are detected.
6.9 Mandate to access administrative data	Administrative data providers are obliged to provide *Producers of Official Statistics*, free of charge, with data in their possession, including identifiers, at the level of detail necessary for the production of official statistics and with the metadata, where possible, that enable assessing data quality. The administrative data providers shall maintain the continuity of the supply of administrative data to the extent possible. Subject to the national legal context, the legal mechanisms for legit mation, for instance the statistical programme or other means, shall be taken into account.
6.10 Administrative data providers' obligation to consult	If the providers of administrative data plan to develop a new data collection or carry out a major revision in their data collection or processing in a way that may significantly affect data provided for official statistics, they shall consult the *National Statistical Office* and, where appropriate, the *Other Producers of Official Statistics*, in advance of the decision.
6.11 Statistical registers	*National Statistical Office* may establish and maintain statistical registers, to be used exclusively for statistical purposes. Statistical registers refer to lists of statistical units and their characteristics, including identifiers that are necessary for statistical purposes.
	7. Statistical confidentiality
7.1 Definition of confidential data	Individual data subject to confidentiality are those that allow natural or legal persons to be identified, either directly or indirectly, thereby disclosing individual information. In addition, information declared as a state secret on the basis of [name of the legal act] are subject to statistical confidentiality.
7.2 Exemptions from confidentiality	Statistics, which may make it possible to identify a statistical unit, may be disseminated only if the statistical unit has unambiguously given its consent to the disclosure of data. Statistics referring to national or local authorities are not protected by statistical confidentiality, unless declared as state secrets. The *Chief Statistician* can waive the protection of statistical confidentiality

Common element	*Description of the common element*
	for other legal persons of the public sector.
7.3 Exclusive use for statistical purposes	*Producers of Official Statistics* shall use individual data exclusively for statistical purposes. Individual data obtained exclusively for statistical purposes shall not be used for any investigation, surveillance, legal proceedings, administrative decision making or other similar handling of matters concerning a natural or a legal person by any authorities or international organizations. Each *Producer of Official Statistics* shall protect confidential data in such a way that the statistical unit cannot be identified, either directly or indirectly, when account is taken of all relevant means that might reasonably be used by a third party.
7.4 Secure data processing	Each *Producer of Official Statistics* shall protect individual data, confidential aggregates and statistics prior to their release and take all necessary regulatory, administrative, technical and organizational measures to prevent access by unauthorized persons.
7.5 Secure data storage	*Producers of Official Statistics* may process and store individual data with identifiers for the time necessary for statistical purposes.
7.6 Access to individual data (exemptions)	*Producers of Official Statistics* shall not disclose individual data to any users, except, under strict regulation in public use files and individual data for research purposes in line with the regulations of the Statistical Law.
7.7 Public use files	*Producers of Official Statistics* may produce and release public use files from individual data only if the data have been processed so that identifiers have been removed and natural or legal persons cannot be identified in any way, either directly or indirectly. To determine whether a natural or legal person is indirectly identifiable, account shall be taken of all relevant means that might reasonably be used including any other published information.
7.8 Access to individual data within the NSS	*National Statistical Office* and *Other Producers of Official Statistics* are entitled to exchange individual data, including identifiers, exclusively for statistical purposes in their respective area of competence in official statistics. Each such transmission must be authorized by the *Chief Statistician* and the conditions documented in a mutually signed agreement. A list of all such transmissions shall be made publicly available on request.
7.9 Researchers' access to individual data	*Producers of Official Statistics* may, on request, grant access to their individual data for scientific research projects in line with the conditions and terms prescribed by the *Chief Statistician* and following these principles: (a) Access shall be granted for statistical and research purposes only, and not for any administrative, adjudicatory, or other programmatic use, nor for onward-sharing of data; (b) The decision to grant or not to grant access shall be based on detailed description of the purpose, goals, and methodologies; (c) Access is strictly limited to the data that are directly relevant and necessary to accomplish the purpose and goals of the research project; (d) Access shall be granted free of charge or at a price covering

Common element	*Description of the common element*
	direct data extraction and service development costs only; (e) The data provided for research purposes cannot include identifiers; (f) The *Producer of Official Statistics* shall ensure adequate and required security safeguards to minimize the risk of loss, unauthorized access, destruction, modification, or unintended or inappropriate disclosure of individual data that access for research purposes is given to; (g) A list of all such permits to access data for research purposes shall be made available on request for accountability; (h) Research reports and analysis based on the outcomes of having access to statistical data shall be made publicly available. Before the *Producer of Official Statistics* authorizes access to individual data subject to statistical confidentiality for scientific research in their area of responsibility, the recipients' technical infrastructure and framework for the full protection of confidential data shall be ensured in compliance with the Statistical Law. *Producers of Official Statistics* may set a price as a compensation for the additional costs incurred by preparing the data, as regulated in [name of the legal act].
7.10 Confidentiality commitment	A confidentiality commitment shall apply upon taking up functions in official statistics to: (a) All regular and temporary staff of the *National Statistical Office* and *Other Producers of Official Statistics*; (b) Any other persons who are authorized to access data subject to statistical confidentiality. The commitment remains binding even after the cessation of the person's functions listed in points a and b above.
7.11 Subcontracting	*Producers of Official Statistics* may subcontract parts of tasks related to statistical production or support activities to a third party only when the full protection of statistical confidentiality and professional independence can be ensured. Third parties shall use and maintain the data exclusively for the operations and only for the duration defined in the subcontract.
	8. Quality of official statistics
8.1 Quality commitment	*Producers of Official Statistics* shall be committed to continually assessing and improving the quality of official statistics in terms of relevance, accuracy, reliability, timeliness, punctuality, transparency, clarity, coherence and comparability. To guarantee quality, official statistics shall be developed, produced and disseminated on the basis of common standards and harmonized methods on the scope, concepts, definitions, units and classifications of official statistics. This shall be done in compliance with the principles of official statistics as defined in the Statistical Law and internationally agreed statistical standards and recommendations. To improve the quality of official statistics, *Producers of Official Statistics* shall be entitled to edit and validate data, combine data from different sources, carry out record linking and matching of individual data exclusively for statistical purposes and use statistical estimation techniques to fill gaps. *Producers of Official Statistics* shall document sources and

Common element	*Description of the common element*
	methods used in the production process, as well as the resulting data sets, in a standardised way. Users shall be kept informed about the sources and methods of statistical production and quality of statistical outputs through metadata.
8.2 Quality assessment	Users shall be regularly consulted regarding the quality of official statistics. *Producers of Official Statistics* shall seek feedback from respondents to improve the quality of data collection and respondent services. *Producers of Official Statistics* may collaborate with the scientific community to assess and improve statistical methodology and encourage analytical work using official statistics. Assessments of the institutional environment, processes and outputs of the *National Statistical System* may be carried out by internal and external experts.
	9. Dissemination of statistical outputs
9.1 Dissemination of statistics	Official statistics shall be disseminated in a timely, punctual and effective manner in full compliance with the Statistical Law, particularly in respect of protecting statistical confidentiality and ensuring equal and simultaneous access as required under the principle of impartiality.
9.2 Advance release calendars	Each *Producer of Official Statistics* shall establish and make public an advance release calendar at least [2-3] months in advance indicating the planned dates and times for the releases of official statistics. Any expected divergence from the advance release calendar shall be communicated to the public before the planned release date. A new date for the release shall be set within reasonable time and made public.
9.3 Release of official statistics	Releases of official statistics shall be accompanied by metadata and explanatory comments, and access shall be granted to all users free of charge. Producers of Official Statistics may set the price of printed publications and other material, as regulated in [name of the legal act]. Official statistics shall be clearly distinguished from any other statistics when released. Errors discovered in released official statistics shall be corrected, and the corrections shall be released and communicated to users at the earliest possible time. Users are entitled to use official statistics and the related metadata in their own products with indication of the data source.
9.4 Dissemination policy	*National Statistical Office* shall establish: (a) A coordinated dissemination policy with transparent procedures to be applied across the *National Statistical System*; (b) A unified terminology for dissemination of all official statistics.
9.5 Major revisions	Major revisions due to changes in methods shall be notified publicly in advance.

Common element	*Description of the common element*
	10. Statistical services
10.1 Statistical services	On customers' request, *Producers of Official Statistics* may provide statistical services using data collected or obtained for statistical purposes or provided by the customer. Statistical services shall not jeopardize the production and quality of official statistics or the credibility of the *National Statistical System*. The confidentiality provisions and the quality provisions of the Statistical Law shall fully apply to the provision of statistical services.
10.2 Provision of other services	*Producers of Official Statistics* may render IT infrastructure or other non-statistical services provided that statistical confidentiality and the physical and logical protection of data collected or obtained for statistical purposes is ensured. While respecting the national constitutional environment strict segregation of the data in terms of organization, personnel and space could be necessary.
10.3 Funding the production of statistical services	Customers shall bear the additional costs of statistical services in compliance with the price set by the *Producer of Official* Statistics, as regulated in [name of the legal act]. The income shall be retained by the *Producer of Official Statistics* and shall only cover the additional costs of carrying out the service activity and the needed statistical service development.
10.4 Transparency in the production of statistical services	The public shall be informed of statistical services that are carried out regularly. Results of any statistical services that are provided without compensation, including their metadata, shall be made publicly available.
10.5 Provision of statistical services involving data collection	*Producers of Official Statistics* may agree to collect specific data on the request of an international, national or local authority. Responding to surveys carried out for the purpose to provide statistical services involving data collection (at the request of another authority) cannot be declared compulsory for respondents. The provisions concerning statistical surveys, confidentiality provisions and the quality provisions of the Statistical Law shall fully apply to the provision of statistical services involving data collection.
	11. International cooperation
11.1 Engagement in international cooperation	*National Statistical Office*, and *Other Producers of Official Statistics* in their respective areas of competence, may actively participate in international work to develop and implement statistical standards and recommendations.
11.2 International transmission of statistics	*National Statistical Office* shall coordinate the transmission of official statistics to international organizations and authorities of foreign countries observing legislative requirements.
11.3 International transmission of individual data for statistical purposes	*National Statistical Office* with *Other Producers of Official Statistics*, as relevant, may enable the voluntary exchange of individual data exclusively for statistical purposes in the area of competence of a *Producer of Official Statistics* of a foreign country. *National Statistical Office* shall ensure that the recipient has the necessary legal framework in place for the full protection of confidential data.

Common element	*Description of the common element*
	Each such transmissions must be authorized by the *Chief Statisticians* of the involved *Producers of Official Statistics* and the conditions be documented in a mutually signed agreement. Such agreements do not diminish the responsibility of the *Producer of Official Statistics* to ensure the confidentiality of the data they exchange. A list of all such transmissions shall be made publicly available on request.
	12. Infringements
12.1 Violation of confidentiality	Violations of the confidentiality provisions of the Statistical Law shall be prosecuted as regulated in [name of the legal act, such as the Criminal Code]. The penalties provided for shall be effective, proportionate and dissuasive. Any person or organization with access to data before its release, or to data subject to statistical confidentiality, using this information for purposes other than those authorized by the Statistical Law, shall be prosecuted as regulated in [name of the legal act for example for transactions at financial markets for abuse of insider information].
12.2 Failure to fulfil the obligation to provide data	In the case of failure to submit individual data, in the case of wilful provision of false data or in the case of failure to comply with the provisions of data submission [as in Article] respondent may be fined as regulated in [name of legal act].
12.3 Arbitrary conduct of respondents	In the case of arbitrary conduct of the respondent, which has been manifested as abuse or intimidation of data collectors, or interference with the collection process, or impersonation of statistical officials, or encouraging others to not comply, respondent may be fined as regulated in [name of legal act].
	13. Relationship to other legislation
13.1 Relationship to other legislation	Any other legal act making reference to official statistics shall be adapted to comply with the Statistical Law. In case of conflicting legislation, the provisions of the Statistical Law or another act based on or mentioned in the Statistical Law shall apply. Statistics produced by authorities according to their own regulatory frameworks that do not comply with the provisions of the Statistical Law are not considered official statistics. The development, production and dissemination of data shall respect the provisions of [names of the legal act, such as Act on the Openness of Government Activities, Archives Act etc.] only if these are not in conflict with the Statistical Law.
13.2 Derogations from the Personal Data Protection Act	The relationship between the Statistical Law and the Personal Data Act is as follows [……..].Where personal data are processed for purposes of official statistics, Statistical Law may provide for derogations from the rights referred to in the Personal Data Protection Act [*can refer to specific Articles of the Personal data protection act or any other legal act*], in so far as such rights are likely to render impossible or seriously impair the production of official statistics, and as such derogations are necessary for the fulfilment of statistical programmes.

Common element	*Description of the common element*
13.3 Derogations from legislation on access to individual data	The relationship between the Statistical Law and other laws which set out provisions for access to individual data is as follows: Where data are processed for purposes of official statistics, Statistical Law [*the name of other law*] may provide for derogations from the obligations [prohibitions] referred to in those legal acts which set out provisions for access to individual data in so far as such obligations [prohibitions] are likely to render impossible or seriously impair production of official statistics, and such derogations are necessary for the fulfilment of purposes of the official statistics.
13.4 Obligation to consult statistical authorities regarding legislation	Any public institution or legal person shall consult the *National Statistical Office* on preparations of new laws or amendments to the current laws and other relevant activities considering and directly influencing activities carried out under the Statistical Law.

40. Each country has a different legal setting and specific strengths and shortcomings of the statistical systems as well as different circumstances nationally in terms of demands for statistics, and should read the common elements of statistical legislation accordingly. However, the common elements of statistical legislation also provide a possibility for countries to be able to review the current solutions adopted in their statistical legislation and ask if new issues presented in the common elements would be useful in the national context. Finally, it will be up to countries to apply or to not apply these common elements and select those elements that are essential for the national context.

41. The common elements and their descriptions reflect practices that are in line with the Fundamental Principles of Official Statistics, the European statistics Code of Practice and the OECD Recommendations on Good Statistical Practice. Therefore, these elements provide an authoritative benchmark for developing national statistical legislation. One should also bear in mind that not everything described in the Fundamental Principles can be regulated by the means of legislation, and also relies heavily on the good statistical practice.

42. The common elements of statistical legislation and the way in which they are formulated should not restrict modernizing statistical legislation further and should be seen as a minimum level, but already an advanced level, that should help to remove legislative barriers to releasing the full value of statistics.